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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/429,047	10/29/1999	JAMES V. LUCIANI	082771.P259	5463

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EXAMINER

HA, YVONNE QUY M

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 05/03/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/429,047

Applicant(s)

LUCIANI, JAMES V.

Examiner

Yvonne Q. Ha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13, 15-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 14, 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 3/23/2004 has been entered. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 14, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wirkestrand (WO 99/37073).

Referring to claims 1, 14, and 19, Wirkestrand discloses a method of communicating information in a network (figure 1), comprising: sending a request for information about a destination node from a source node to a server node (figure 2, i.e. source is first user) that responds to such requests on behalf of the destination node (page 4, lines 15-19, i.e. destination is second user; lines 20-23, server contains an address database which it can search to find destination address); forwarding the request from the server node to the destination node (page 4, lines 28-32, if the destination, i.e. second user is in idle mode then a message is sent to the second user); sending a response to the request from the destination node to the server node (page 4, lines 32-35, when sending a message to the second user, it forces the second user (i.e. destination) to send request to the relevant DHCP server to check on a network address); forwarding the response from the server node to the source node (page 5, lines 1-10, requesting at the DHCP server initiates the host and client where the host computer sends the DHCP request

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and an address is allocated, stored in DNS server then requested address to the source (i.e. first user).

Response to Arguments

4. Applicant's arguments filed on 3/23/04 have been fully considered but they are not persuasive. Regarding to argument on page 10, line 14, the applicant stated Wirkestrand does not teach sending a request and response to the server. The Examiner disagrees due to the facts that Wirkestrand teaches that the network includes many network access servers and each operator network is connected to a respective address allocation server (i.e. DHCP). In addition, each access server has an address storage server (i.e. DNS). To obtain a network address, a request is initiated by using DHCP protocol from the relevant DHCP server (page 3, lines 12-29). In the case when the host has no allocated address. The DNS server responses and initiate the allocation (page 4, lines 1-15). As disclosed by Wirkestrand, these servers (DHCP, DNS) have different functionalities, which depending on the address allocation scenarios. They are interworking together in a network as explained further by Wirkestrand (page 3, lines 25-35, page 4, lines 1-19). Wirkestrand discloses the basic steps of request and response to the server with different call/database lookup scenarios. Therefore, the 35 USC 102(b) rejections of claims 1, 14, and 19 still hold.

Allowable Subject Matter

5. Claim 2-13, 15-18, and 20 are allowed.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne Q. Ha whose telephone number is 703-305-8392. The examiner can normally be reached on Monday-Friday 7a.m.-4p.m. Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ajit Patel can be reached on 703-308-5347. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YQH


Ajit Patel
Primary Examiner